

Michigan Senate Transportation Committee
Hearing on Senate Bill 0501 (2015)
December 3, 2015

Testimony of Susan E. Reed

Good Morning. My name is Susan E. Reed. I am Managing Attorney at the Michigan Immigrant Rights Center, a statewide nonprofit legal resource center focused on immigration and immigrant rights law. I serve as the Secretary of the Steering Committee of the Michigan Coalition for Immigrant and Refugee Rights (MCIRR) and am testifying today on behalf of that organization. MCIRR is a coalition of more than 40 nonprofit, educational, and religious organizations dedicated to advancing the rights of Michigan's immigrants and refugees.

We neither support nor oppose Senate Bill 0501 in its current form. We wish to provide additional legal context at this time because our members' interest is in ensuring that as many of Michigan's immigrants as possible have the clear legal right to drive. We would support any effort to expand access to legal driving for noncitizens, but we are concerned that this bill is not best designed to achieve that goal.

Although it is not clear from the current text, Senate Bill 0501 appears intended to require that an individual with a valid foreign driver's license present that license together with proofs related to immigration status. It appears to strike the current statute's treaty-based system by which the Secretary of State recognizes the licenses of certain countries based on those countries' licensing standards and reciprocity.¹ The current system does not require that holders of valid foreign licenses also provide proof of a valid "visitor visa" or any other proof relating to immigration status.

Current Michigan law with respect to noncitizens' eligibility for Michigan driver's licenses and state identification merely requires that a noncitizen prove "legal presence."² To the extent that this bill seeks to address problems faced by noncitizens who reside in Michigan, we believe a more appropriate solution would be for those individuals to seek Michigan driver's licenses.³ Our member organizations understand that many legally present individuals struggle to meet the Secretary of State's documentation and verification requirements with respect to status, but the statute itself is not the problem. The statute does not need to be modified to create driver's license access for any legally present Michigan residents; rather, particular verification issues should be raised with the Secretary of State's office branch managers through the "exceptions process" office in Lansing, or through advocacy at a leadership level to expand or modify the list of acceptable documents published by the Secretary of State.⁴

¹ The list of countries whose licenses are currently recognized is available here: https://www.michigan.gov/documents/Reciprocity_Agreements_and_Underlying_Authority_170819_7.pdf visited December 2, 2015. It includes 129 countries at this time.

² Michigan Compiled Laws (MCL) Section 257.307, available at: <http://legislature.mi.gov/doc.aspx?mcl-257-307> visited December 2, 2015.

³ Seeking Michigan driver's licenses may also be advisable for residents with respect to other parts of the law relating to registration and insurance.

⁴ The list of acceptable documents to prove legal presence, among other requirements, is available at: https://www.michigan.gov/documents/sos/Applying_for_lic_or_ID_SOS_428_222146_7.pdf, visited December 2,

So, current law recognizes the vast majority of valid foreign licenses and legally present noncitizen residents are eligible for Michigan licenses. To the extent that this legislation is designed to extend recognition of licenses from countries not currently recognized, we discourage the burdensome additional requirement relating to "valid visitor visa or passport." Again, to the extent that Senate Bill 0501 intends to require any particular proof of immigration status, it would create an obligation for individual law enforcement officers on patrol statewide to make the same kind of legal and forensic determinations about verification of immigration status that currently present significant challenges for the much better-resourced and centralized Secretary of State. To the extent that this legislation is designed to extend recognition of licenses to anyone other than the holder of a B-1/B-2 visa, the language of "visitor visa" would not reach other nonimmigrant visa holders.

We would urge an approach that is either narrowly tailored to address the situation of license holders from specific countries not on the current reciprocity list and non-legislative advocacy with the Secretary of State to ensure that all legally present Michigan residents have access to Michigan licenses.

Thank you for your attention and your service.

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